

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO

KEVIN OGDEN,

Petitioner,

v.

1:22-cv-00801-JCH-JMR

ATTORNEY GENERAL FOR THE
STATE OF NEW MEXICO, PENITENTIARY
OF NEW MEXICO SOUTH, and CHARLENE
HAGERMAN, *Warden*,

Respondents.

**ORDER OVERRULING OBJECTIONS AND ADOPTING THE MAGISTRATE
JUDGE'S PROPOSED FINDINGS AND RECOMMENDED DISPOSITION**

The Magistrate Judge filed her Proposed Findings and Recommended Disposition (“PFRD”) on June 3, 2024, regarding Kevin Ogden’s Petition Under 28 U.S.C. § 2241 for a Writ of Habeas Corpus (Doc. 9). Doc. 16. The PFRD notified the parties of their ability to file objections within fourteen days and that failure to do so waived appellate review. *Id.* at 13-14. Respondents filed a notice of non-objection to the Proposed Findings and Recommended Disposition. Doc. 17. On June 17, 2024, Mr. Ogden filed objections to the Magistrate Judge’s PFRD, which the Clerk’s Office received in two separate mailings. Docs. 18, 22. Mr. Ogden requested an extension of time to file additional objections, which the Court granted. Docs. 18, 19. Mr. Ogden filed a second set of objections, which the Clerk’s Office also received in two separate mailings. Docs. 23, 24. The respondents filed a single response to both sets of objections. Doc. 25.

Pursuant to FED. R. CIV. P. 72(b), the Court has conducted a de novo review of the record, including the Petition (Docs. 1 and 9), the items listed above, and all parts of the Magistrate Judge’s PFRD that have been properly objected to. After conducting this de novo review and

thoroughly considering the Magistrate Judge's PFRD and the Petitioner's objections, the Court finds no reason either in law or fact to depart from the Magistrate Judge's recommended disposition.

IT IS HEREBY ORDERED AS FOLLOWS:

1. The Magistrate Judge's Proposed Findings and Recommended Disposition (Doc. 16) are **ADOPTED**;
2. Mr. Ogden's Petition Under 28 U.S.C. § 2241 for a Writ of Habeas Corpus (Doc. 9) is **DENIED** with prejudice.
3. Mr. Ogden is denied a Certificate of Appealability.



SENIOR UNITED STATES DISTRICT JUDGE